D.B. CIVIL HABEAS CORPUS WRIT PETITION
NO.6881/2006
Raju Mandal Vs. State of Rajasthan & Ors.

Date : 24.8.2007

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE SANGEET LODHA

Mr. H.S. Shekhawat for the petitioner.
Mr. S.K. Vyas, Dy. Government Advocate.

Heard learned counsel for the parties.

The averments made in the petition do not disclose either the grounds of seeking a writ of habeas corpus or any part of the cause of action to have arisen within the jurisdiction of this Court to seek such writ from this Court.

According to the averments of the petitioner at best, his wife along with her two children has left for Gujrat to meet her parents on 28.10.2006 from Jodhpur on her own. The petitioner's wife and children were in contact with the petitioner till they have reached the respondent No.3's house where she has gone

voluntarily. Thereafter according to the petitioner, he has not been able to contact Geeta and her children. It is not at all suggestive of any illegal detention by resplendent No.3 after she has reached his house. According to the petitioner himself, Geeta and her children for the first time visited her parents house in 2007 after the marriage had taken place in Malda, West Bengal. It appears to be a case of matrimonial problem for which the remedy lies elsewhere.

Apart from the aforesaid, even if it be considered that Geeta and her children have been forcibly detained in Gujrat by respondent No.3, the illegal detention commenced and continued in Gujrat. The appropriate Court, where the writ of habeas corpus could lie, in such circumstances will be High Court of Gujrat and not this Court.

The petition is accordingly, dismissed. Notices are discharged.

No order as to costs.

[SANGEET LODHA], J. [RAJESH BALIA], J.

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